IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| In re | app | lication | of: |
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Kaoru FUKUDA et al

Atty. Docket No. 108421-00117

Serial No.: New Application

Examiner:

Filed: April 27, 2005

Art Unit:

For: MEMBRANE ELECTRODE ASSEMBLY FOR POLYMER ELECTROLYTE

FUEL CELL

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Date: April 27, 2005

Sir:

Pursuant to 37 CFR §1.56, the attention of the Patent and Trademark Office is hereby directed to the information item(s) listed on the attached Form PTO-SB08a. Unless otherwise indicated herein, one copy of each item(s) is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the item(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

| \boxtimes | merits | This Information Disclosure Statement is being filed (a) within three months U.S. filing date, OR (b) before the mailing date of a first Office Action on the in the present application, OR (c) accompanies a Request for Continued ination. No certification or fee is required. |
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| | | This Information Disclosure Statement is being filed more than three months he U.S. filing date AND after the mailing date of the first Office Action on the but before the mailing date of a Final Rejection or Notice of Allowance. |
| | | a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1). |
| | | b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2). |

New U.S. Patent Application

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| | c. A check in the amount of \$180.00 in payment of the fee under 37 CFR §1.17(p). Please charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300 as needed to ensure consideration of the disclosed information. | | | |
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| | a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1). | | | |
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| 4. The references listed on the PTO-SB08a were either cited during prosecut in a counterpart foreign application or in the specification of the present invention. English-language abstracts of the non-English language references and an Englis language version of the foreign search report are attached for the Examiner's information. | | | | |
| | Respectfully submitted, | | | |
| | ac Mornie | | | |
| | Charles M. Marmelstein | | | |

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Enclosures: International Search Report; PTO-SB08a; References (7)

Registration No. 25,895

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| Substitute for form 1449A/PTO | | | <u> </u> | Complete if Known | | |
| | INICODMATION | 31001 | OCUPE | Application Number | New Application | |
| INFORMATION DISCLOSURE | | | | Filing Date | April 27, 2005 | |
| STATEMENT BY APPLICANT | | | | First Named Inventor | Kaoru FUKUDA et al | |
| | Form PTO | /SB/08a | 1 | Art Unit | | |
| | | Examiner Name | | | | |
| Sheet | 1 | of | 1 | Attorney Docket Number | 108421-00117 | |
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| | U.S. PATENT DOCUMENTS | | | | | | |
|-----------------------|-----------------------|-----------------|---|--------------------------------|--|--|--|
| Examiner Initials* | Cite No.1 | Document Number | Number-Kind Code ² (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | |
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| | | | FOREIG | N PATENT DO | CUMENTS | | |
|--------------|-------------------------|---|--|--|--|---|--|
| Cite No.1 | Foreign Patent Document | Country Code ³ | Number ⁴ Kind Code ⁵ (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T⁵ |
| | 01/15254 | wo | A2 | 03-01-2001 | Ballard Power Systems Inc. | | |
| | 01/15247 | wo | A2 | 03-01-2001 | Ballard Power Systems Inc.; and Johnson Matthey Public Limited Company | | |
| | 01/15249 | wo | A2 | 03-01-2001 | Ballard Power Systems Inc.; and Johnson Matthey Public Limited Company | | |
| | 01/15255 | wo | A2 | 03-01-2001 | Ballard Power Systems Inc. | | |
| | 7-78617 | JP | Α | 03-20-1995 | Mitsubishi Heavy Ind. Ltd. | | AB |
| | 2002-93433 | JP | Α | 03-29-2002 | Toto Ltd. | | AB |
| | 11-214020 | JP | Α | 08-06-1999 | Japan Science & Technology Corp. | | АВ |
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| | | 01/15254 01/15247 01/15249 01/15255 7-78617 2002-93433 | No.1 Foreign Patent Document Code ³ 01/15254 WO 01/15247 WO 01/15249 WO 01/15255 WO 7-78617 JP 2002-93433 JP | Cite No.¹ Foreign Patent Document Country Code³ Number⁴ Kind Code⁵ (if known) 01/15254 WO A2 01/15247 WO A2 01/15249 WO A2 01/15255 WO A2 7-78617 JP A 2002-93433 JP A | Cite No.¹ Foreign Patent Document Country Code³ Number⁴ kind Code⁵ (if known) Publication Date MM-DD-YYYY 01/15254 WO A2 03-01-2001 01/15247 WO A2 03-01-2001 01/15249 WO A2 03-01-2001 01/15255 WO A2 03-01-2001 7-78617 JP A 03-20-1995 2002-93433 JP A 03-29-2002 | Foreign Patent Document | Cite No.¹ Foreign Patent Document Country Code³ Number⁴ Kind Code⁵ (if known) Publication Date MM-DD-YYYY Name of Patentee or Applicant of Cited Document Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear 01/15254 WO A2 03-01-2001 Ballard Power Systems Inc.; and Johnson Matthey Public Limited Company 01/15247 WO A2 03-01-2001 Ballard Power Systems Inc.; and Johnson Matthey Public Limited Company 01/15249 WO A2 03-01-2001 Ballard Power Systems Inc.; and Johnson Matthey Public Limited Company 01/15255 WO A2 03-01-2001 Ballard Power Systems Inc. 7-78617 JP A 03-20-1995 Mitsubishi Heavy Ind. Ltd. 2002-93433 JP A 03-29-2002 Toto Ltd. 11 214020 JB A 08-06-1999 Japan Science & Technology |

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| Examiner | Date | |
| Signature | Considered | |

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code. ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language translation is attached. AB indicates that only an English language abstract is attached.